

REMARKS**Rejection Under 35 USC § 103**

Claims 1-12 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,360,210 to Wallman ("Wallman") in view of U.S. Patent No. 6,317,727 to May ("May") (collectively, the "references"). Applicant respectfully traverses the rejection.

With regard to claim 1, 10-12 and claims depending therefrom, the references do not disclose several elements that are recited in the claims. The references do not disclose the allocation of "risk to a bidder submitting a acceptable bid." The Examiner acknowledges that this claimed element is missing from the Wallman reference and, instead, the Examiner cites the May reference (abstract; Figures 1-2, 19, 22, 23; C1 L26-LL50; C3 L65 to C4 L4; C11 64 to C12 L46; C38 L32-L45) and alleges that it teaches the missing element rendering the claim obvious in combination with the Wallman reference. However, the Examiner has provided no evidence of a teaching, suggestion and/or motivation to combine the two references. Moreover, combining the two references will not result in the claimed invention. May provides a trading system but is not capable of handling risk allocation. Standard trades do not have the numerous variables associated with risk allocation. The following excerpt from the present disclosure notes several of the disparate risk criteria involved in a risk allocation that are not present in a standard trading system as taught by May:

The Seller Risk Auction Website of this invention can contain auction rules and procedures. In addition, all relevant information regarding an Exposure would be posted on the Website at the time the Exposure is auctioned. Such information may include: Name of Obligor, Commitment Fee, Risk Type (Credit / Political / Both), Draw Down Period, Program, Scheduled Shipment Dates, Term of Exposure, Seller, Exposure Amount, Exporter, Exposure Fee, Product although Trade Secret or other statutes may preclude disclosure of some information. Facility participants have the

opportunity to bid on the specific risks posted at a particular point in time. Bids may be based on the Yield Required (expressed a fixed yield or as a spread to a designated benchmark) and/or a maximum notional amount of exposure which is acceptable. (Application p.2).

As such, the standard trading system is incapable of allocation because there is no notion of some of these risk associated attributes. For example, the following excerpt from the present disclosure highlights a type of transaction (e.g., an uncertain transaction time span risk attribute) that is alien to a standard trading system:

Seller's Invitation to Submit Proposals indicates that the period between authorization of a particular transaction and payment of the Exposure fee for that transaction maybe impossible to predict and that this period may span months or years for a given transaction... Facility participants may not be receptive to providing a commitment, without a fee, in exchange for a risk premium which may not be received for some uncertain period of time over a span of months or years and which would not be received at all if the underlying transaction is cancelled. (Application p.5-6).

Thus, even if, arguendo, there was some way that Wallman and May were to be combined, and May provided a standard trading facility, there would be no facility to allocate risk through such a system because both references are silent as to how to construct system options for the trading system to handle risk attributes/criteria. As Wallman fails to provide an auction and/or trading system, it cannot provide the additional trade system options related to risk associated attributes, and since May has no notion of exposures, it also does not provide the trade system options related to risk associated attributes.

Therefore, even if Wallman taught/provided risk associated attributes, e.g., a notion of uncertain transaction time spans, it does not teach or suggest how a trade system option facility may be constructed to cope and allocate for that "uncertain time span" risk associated

attribute. Similarly, even if May provides a standard trade system, it also does not teach or suggest how a trade system option facility may be constructed to cope and allocate for that risk associated attribute. Without additional constructs that are absent from both Wallman and May (e.g., additional logic accounting for receipt of risk premiums over an uncertain amount of time that will affect the values other available ask/bid allocations that are still available), it is impossible to provide system options for the trading system that deal with risk attributes. Consequently, as both references fail to provide any trade system option facility to cope with these risk attributes, even the combination resulting from these references will fail to be capable of “allocating the risk to a bidder.”

Consequently, the reference(s) cited by the office action do not result in the claimed invention, there was/is no motivation for such a combination of references (i.e., cited references do not teach, read on, suggest, or result in the claimed invention(s)), and the claimed inventions are not admitted to be prior art. Thus, the Applicant respectfully submits that the supporting remarks and claimed inventions, claims 1-12, all: overcome all rejections and/or objections as noted in the office action, are patentable over and discriminated from the cited reference(s), and are in a condition for allowance. Furthermore, Applicant believes that the above remarks, which distinguish the claims over the cited reference(s), pertained only to noted claim elements portions. These remarks are believed to be sufficient to overcome the prior art. While many other claim elements were not discussed, Applicant asserts that all such remaining and not discussed claim elements, all, also are distinguished over the prior art and reserves the opportunity to more particularly remark and distinguish such remaining claim elements at a later time should it become necessary. As such, Applicant does not concede that any claim elements

have been anticipated and/or rendered obvious by any of the cited reference(s). Accordingly, applicant respectfully requests allowance, and the reconsideration and withdrawal of the rejection(s) and or objection(s).

If a telephone conference would facilitate prosecution of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 03-1240, Order No. 17209-012.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 03-1240, Order No. 17209-012

Respectfully submitted,
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Dated: August 10, 2005

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